



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 01-1021  
3COM Docket No. 3591.WSD.US.P

In re the Application of:

David John Maxwell et al.

Serial No. 09/934,984

Filed: August 22, 2001

For: APPARATUS, METHOD, AND  
COMPUTER PROGRAM FOR  
DETECTION OF SERVER-LIKE  
DEVICES ON A COMPUTER  
NETWORK BASED ON INGRESS  
TO EGRESS NETWORK TRAFFIC  
RATIOS

Examiner: Phillip S. Scuderi

Group Art Unit: 2153

Confirmation No.: 8270

TRANSMITTAL LETTER

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. I am transmitting herewith the attached:
  - a) Issue Fee Transmittal – PTOL-85 (Part B);
  - b) Supplemental Application Data Sheet;
  - c) Comments on Statement of Reasons for Allowance;
  - d) Check for \$1,700.00; and
  - e) Return receipt postcard.
2. With respect to fees:
  - a) A check for \$1,700.00 to pay the Issue and Publication Fees is enclosed.
  - b) Please charge any underpayment or credit any overpayment to Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 5, 2006.

Respectfully submitted,

**McDonnell Boehnen  
Hulbert and Berghoff LLP**

Date: January 5, 2006

By: David L. Ciesielski  
David L. Ciesielski  
Reg. No. 57,432



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**COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE**

Sir:

Responsive to the Notice of Allowance mailed October 25, 2005, the Applicant expresses appreciation for the allowance of the present application. The Applicant notes the Examiner's reasons for allowance (i.e., Allowable Subject Matter), but respectfully submits that the reasons for allowance are only warranted in instances in which the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims. In light of the original disclosure, previous Office Actions and responses, however, the Applicant believes that the record as a whole does make the reasons for allowance clear.

In the reasons for allowance, the Examiner seems to have paraphrased some of the Applicant's claims. The Applicant understands, however, that the Examiner has found the invention as claimed in claims 1-3, 5-10, 12, 14-16, and 18-23 to patentably distinguish over the art of record.

Therefore, to the extent any paraphrasing of the claims diverges from the literal or equivalent meaning of the claims as allowed, the Applicant does not acquiesce in the paraphrasing of the claims.

Respectfully submitted,

**McDonnell Boehnen  
Hulbert and Berghoff LLP**

Date: January 5, 2006

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